

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL NO. 04-30124-MAP

ALEX DELGADO, Petitioner,

vs.

KATHLEEN M. DENNEHEY, Respondent.

PETITIONER'S MOTION FOR LEAVE
TO PROCEED IN FORMA PAUPERIS

Petitioner Alex Delgado moves the Court for an order permitting him to proceed in forma pauperis on appeal and states in support:

1. Petitioner Alex Delgado filed his petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 on June 30, 2004. He has been represented throughout this proceeding by undersigned counsel, who was appointed to represent him by the Committee for Public Counsel Services, an agency of the Commonwealth of Massachusetts which is charged with providing legal services to indigent Massachusetts defendants. M.G.L. c. 211D.

2. On April 6, 2005 Delgado filed an ex parte motion for funds with which to employ a demographics expert, submitting an affidavit of indigency in support of this motion. The motion was allowed August 2, 2005. Petitioner did not file a general motion to proceed in forma pauperis.

3. Petitioner Delgado seeks to appeal this Court's August 27, 2007 judgment dismissing his petition for a writ of habeas corpus. He submits herewith his Application To Proceed Without Prepayment Of Fees And Affidavit, establishing that his prison account balance as of January 25, 2008 was \$40.48, which is insufficient to pay the docketing fee

of \$445.00 in the Court of Appeals and to pay the cost of printing the brief and appendix and other costs of appeal.

WHEREFORE, Petitioner Alex Delgado moves the Court for an order permitting him to proceed with his appeal in the United States Court of Appeals for the First Circuit in forma pauperis.

Respectfully submitted,
ALEX DELGADO, PETITIONER

By /s/ John M. Thompson
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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper will copies will be sent to those indicated as non registered participants on this 8th day of February, 2008.

/s/ John M. Thompson
John M. Thompson